

Application Serial No.: 09/732,008

Attorney Docket No. 019213-0311422

In Response to Office Action mailed July 13, 2005

### **REMARKS**

In response to the Non-Final Office Action mailed July 13, 2005 (hereinafter "Office Action"), claims 42-55 are newly added. No claims are cancelled or amended. Therefore, claims 1-55 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

### **SPECIFICATION**

In the Office Action, at pgs. 2-3, the Examiner objects to the Abstract as allegedly including language that may be implied. Although Applicant disagrees with the objection of the Examiner, the Abstract has been amended solely in an effort to expedite prosecution. Accordingly, withdrawal of this objection is earnestly sought.

### **NON-STATUTORY DOUBLE PATENTING REJECTION**

Claims 1-37 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-56 of co-pending Application No. 09/877,926. *See* Office Action, pg. 8.

The rejection for double patenting is believed to be premature as no claims have been issued. In the event necessary, upon the indication of allowable subject matter, applicant will consider filing a Terminal Disclaimer.

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**REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

Claims 1-41 stand rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. See Office Action, pgs. 3-4. Applicant traverses this rejection.

The examiner has rejected claims 1-41 as allegedly being indefinite. The basis for the rejection is not clear. The terms the examiner challenges are all commonly understood terms. Applicant submits that all of the claims are clear and definite to one of ordinary skill in the art. No evidence to the contrary has been presented. Without limiting the scope of any of the challenged terms, the following examples are provided to assist the examiner.

The term “collaborate” includes the concept of working together. The term “enabling” includes the concept of providing a capability. The term “to interact” includes the concept of acting or working to together or with others. The term “events” includes the concept of ...The term “actions” includes the concept of .... The term “clients”, when used to refer to a person, includes the concept of a person for whom professional services are rendered. The term “participants”, includes the concepts of clients and service providers.

With respect to claims 20-38, the term “system” is clear and is commonly used in patent applications. The basis for the rejection is unclear. The term system routinely is used in patent claims without rejection.

**REJECTIONS UNDER 35 U.S.C. §101**

Claims 1-19 and 39-41 stand rejected under 35 U.S.C. §101 as allegedly being non-statutory because the method claims as presented allegedly do not claim a technological basis.

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In particular, the Examiner alleges that the claimed subject matter “*consists solely of the manipulation of an abstract idea and is not concrete or tangible.*” See Office Action, pg. 4.

Applicant traverses this rejection.

The rejection of the claims under Section 101 is improper. There is no technological arts requirement as recently confirmed in the *Lundgren* case. All claims as presented define patentable subject matter. Moreover, many of the claims include structured elements, some are computer-implemented systems and some implemented methods.

#### **REJECTIONS UNDER 35 U.S.C. §103**

Claims 1-7, 9-17, 19-26, 28-36 and 38-40 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,940,843 to Zucknovich *et al.* (“Zuchnovich”). See Office Action, pg. 6.

Claims 8, 18, 27, 37 and 41 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zucknovich as applied to claims 1-7, 9-17, 19-26, 28-36 and 38 above, and further in view of Day *et al.* See Office Action, pg. 7.

The rejections based on Section 103 are each traversed. The previously pending claims are allowable over Zucknovich for at least the reasons previously presented. None of the prior art relied on shows the features claimed, including, without limitation, a electronic collaboration tool that enables a financial service provider participant to collaborate with a financial services client in the manner claimed. Zuchnovich is inapposite. It is directed to an information directory system to research documents. Since Zuchnovich does not teach or suggest at least this feature, claims 1-41 are allowable over Zuchnovich for at least this reason.

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Moreover the Examiner has not established that Zucknovich is even analogous art. Applicant submits that Zucknovich is not analogous art because it is directed to neither the inventor's field of endeavor nor the particular problems that faced the inventor. Zucknovich relates to an electronic information delivery system for controlling the distribution of electronic information (e.g. research reports) based on, in part, an identified relationship between the electronic information provider, e.g., a research provider, and the company or companies that are the subject matter of the electronic information. Even though a user or may be "entitled" to review documents within a particular document group, in an exemplary embodiment of the present invention, a user may still be prevented from accessing, or possibly even listing particular research documents related to a particular company based on the "restriction" status and/or the "review" status of the company relative to the contributor of the research documents, *in order to comply with SEC laws*.

Zucknovich states that: "The present invention is ideally suited for providing investment research reports to investors and investor advisors. Brokerage and investment banking firms create mounds of investment research reports on a daily basis concerning thousands of companies and industries. These reports are provided to investors in electronic form. In the representative embodiment, the present invention enables investment research reports to be securely distributed to investors over the Internet. The present invention overcomes the disadvantages of a proprietary network and enables investment research reports to be distributed to a wider range of investors who are authorized to receive such reports."

Thus, Zucknovich's field of invention (distribution of general research reports) is much different than an online collaboration system for a team of authorized financial service

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providers to securely access an individual client's specific information and provide individual advice to a specific client. Moreover, the problem that Zucknovich addresses is one of an SEC compliance issue. Not the problem of providing confidentiality of an individual client's financial information accessible over a network by a team of financial advisors.

Nor has the Examiner established that the secondary reference relied on (Day) is analogous art. In fact, it is much more remote.

Assuming, *arguendo*, that Zucknovich can properly be considered, it fails to disclose many aspects of the claimed invention. For example, Zucknovich does not disclose a system that enables a team of financial advisors that are associated through the system with a common client to collaborate via the system to provide financial advice to the individual common client. Rather, Zucknovich relates to the electronic distribution of **research documents** over the world wide web or other network to investors. Research documents are not client specific.

Moreover, the security and authorization features of the invention are not disclosed by Zucknovich. Zucknovich's "restrictions" relate to restrictions due, for example, to conflicts of interest under SEC regulations. Unless a conflict is present, a wide variety of users may access the information. For example, Zucknovich discloses: "As used herein, the terms "investor" and "user" include any end user who is permitted to receive or access information via the present invention, such as, for example, customers of brokerage and investment banking firms, employees of brokerage and investment banking firms, investment advisors, brokers, bankers, portfolio and fund managers, journalists, analysts, economists, university professors, MBA students, etc." Zucknovich further states: "The authorization information links an investor to a list of user groups. Each user group can include many users."

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Thus, it is clear that the information is not client specific. In contrast, in at least some of the claims, it is clear that anyone who receives access to a specific client's information and/or documents must be authorized. However, even if authorized, only a subset of such information may be accessible based on need and/or authorization level (e.g., role-based security). In Zucknovich "each user has authorization to access all or a subset of the information stored at the repository server." Day does not remedy the deficiencies of Zucknovich. Many of the dependent claims contain additional patentable features as well.

### CONCLUSION

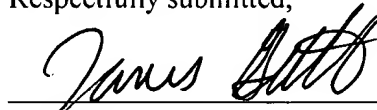
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: December 13, 2005

Respectfully submitted,

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